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April 1, 2026

Via E-Mail: charters@cde.ca.gov

Ric Reyes, Director
Charter Schools Division
California Department of Education
1430 N Street, Suite 5401
Sacramento, CA 95814

Re: Oakland Unified School District Opposition to Aspire Golden State College Preparatory Academy's Renewal Appeal to the State Board of Education

Dear Director Reyes:

In accordance with Education Code section 47605(k)(2)(C), the Oakland Unified School District ("OUSD" or "District") submits this correspondence to the State Board of Education ("SBE") to detail how the allegations made by Aspire Golden State College Preparatory Academy ("GSP" or "Charter School") that the District Board of Education ("OUSD Board") abused its discretion in denying charter renewal petition ("Petition") are unsupported by the record, contrary to law, and fundamentally mischaracterize the District's process. The Charter School's appeal lacks merit, there was no abuse of discretion, and the SBE should affirm the OUSD Board's decision to deny the Petition.

1. Background

GSP, operated by Aspire Public Schools ("Aspire"), was originally authorized by the District in 2008, and has previously been renewed in 2013 and 2018. Following GSP's submission of its latest Petition to the District, in compliance with Education Code sections 47605 and 47607, the OUSD Board held a public hearing on September 25, 2025. Thereafter, by October 6, 2025, OUSD posted its Staff Report, which included options for the OUSD Board to either approve or deny GSP's Petition for renewal. Then, on October 21, 2025, the OUSD Board voted to deny the GSP Petition, by a vote of 4 to 3. On November 5, 2025, GSP submitted its appeal to the Alameda County Office of Education ("ACOE"). The Alameda County Board of Education ("ACBOE") held a public hearing on December 9, 2025, and voted to deny the GSP Petition on February 10, 2026, by a vote of 5 to 2. GSP has submitted its Petition on appeal to the SBE for its consideration.

In short, the OUSD Board denied the GSP Petition because it determined that closure of GSP is in the best interest of the students. GSP students perform below the state and District average proficiencies for English Language Arts ("ELA"), and its math performance is even worse. In 2023, GSP performed 88.6 points below the state in math indicators on the California Dashboard. In 2024, GSP's math performance dropped even further, to 97 points below the state level. Similarly, while GSP's ELA performance on the Smarter Balance Assessment ("SBAC") falls

short of the District’s overall—with 23.5% proficiency to the District’s 31.9%— GSP’s SBAC math proficiency rate is just 6.9%. After a comprehensive review of the Staff Report, the OUSD Board rendered a denial of GSP's Petition, based on the determination that GSP's persistently low academic indicators necessitate the denial as being in the best interest of the students.

2. In Applying the Abuse of Discretion Standard, the SBE Must Apply the Highest Degree of Deference to the OUSD Board in its Decision to Deny the Charter.

Education Code section 47605(k)(2)(E) sets forth the abuse of discretion standard which the SBE must apply in hearing the GSP appeal or otherwise summarily denying review of the appeal based on the documentary record:

The state board shall either hear the appeal or summarily deny review of the appeal based on the documentary record. If the state board hears the appeal, the state board may affirm the determination of the governing board of the school district or the county board of education, or both of those determinations, or *may reverse only upon a determination that there was an abuse of discretion by each of the governing board of the school district and the county board of education*. Abuse of discretion is the *most deferential standard of review*, under which the state board must give deference to the decisions of the governing board of the school district and the county board of education to deny the petition.

(Emphasis added.)

Despite the narrative that Aspire attempts to present, it cannot overcome the deference that must be provided to the District.

a. Education Code Section 47605(K)(2)(E) Requires SBE’s Determination of Abuse of Discretion to Reverse a Denial.

In adopting significant changes to the charter appeal process as part of Assembly Bill 1505, the Legislature granted more local control and authority, by requiring the SBE to give the greatest deference to the decisions of the local school district governing boards and county boards of education. Accordingly, when hearing a charter appeal, the SBE can only reverse a denial of a petition if it determines that there was an abuse of discretion by both the school district governing board and the county board of education.

The State Superintendent of Public Instruction’s June 30, 2022 Information Memorandum¹ (“State Superintendent’s Information Memorandum”) further explains the abuse of discretion standard, explaining that the SBE’s review of a charter petition on appeal is “limited to a determination of whether the district governing board’s or county board’s decision to deny the charter petitioner ‘was arbitrary, capricious, entirely lacking in evidentiary support, unlawful, or procedurally unfair.’” (State Superintendent’s Information Memorandum, p. 2.)

¹ State Superintendent’s Information Memorandum is accessible at <https://www.cde.ca.gov/be/pn/im/documents/jun22memocsd01.docx>. Last accessed March 24, 2026.

b. Abuse Of Discretion is the Most Deferential Standard of Review.

California’s Court of Appeal has examined the SBE’s application of the abuse of discretion standard when reviewing a charter petition appeal, and upheld the review standard as defined in statute, and as further explained by the State Superintendent’s Information Memorandum, above. (*Napa Valley Unified School District v. State Board of Education* (2025) 110 Cal.App.5th 609, 617.) The Court of Appeal affirmed the trial court decision to find that there was no substantial evidence to support the SBE’s determination that the local school district board and county board of education abused their discretion in denying an establishment charter petition. (*Id.*, at 637.) The Court’s decision further reinforces the deference granted to the findings of the local school district board and county board of education.

As explained above, GSP’s allegations of abuse of discretion by the OUSD Board are unsupported. GSP makes various claims that the OUSD Board abused its discretion, but presents no substantial facts and/or evidence in support of such allegations. Specifically, GSP fails to demonstrate that the OUSD Board’s decision to deny the GSP Petition was “arbitrary, capricious, entirely lacking in evidentiary support, unlawful, or procedurally unfair.”

c. OUSD Board’s decision is supported by factual findings, as evidenced in the documentary record and the Staff Report.

Rather, the OUSD Board’s decision to deny the GSP Petition is supported by factual findings, as evidenced in the documentary record. Although OUSD must support its determination by factual findings, the SBE need not agree with OUSD’s determination. The District presented substantial evidence to support its findings, including in its Staff Report. (Documentary Record² (“DR”), pp. 3911-3953.) From the outset, in its “Summary of Findings” on its first page, OUSD’s Staff Report set forth several key challenges facing GSP, including its declining, troublingly low math proficiency and difference from standard (“DFS”), below District average English Language Arts (“ELA”) proficiency and DFS, significant decline in A-G rates indicating a decrease in graduates meeting the entry requirements for California public colleges and universities, and material weaknesses identified in recent audits. (DR, p. 3911.) Elaborating on these findings throughout, the Staff Report provides the OUSD Board with two “legally complaint options”—one to approve the renewal and the other to deny it. (DR, p. 3947.) In its conclusion, the OUSD Staff Report specifically explains that “[t]he Board may use the data and conclusions in this Staff Report as its findings in support of either of the above options.” (*Id.*) As the authorizer, the determination rests solely with the OUSD Board.

d. A Single “Abuse Of Discretion” Standard Applies to Both Initial and Renewal Petitions. (Ed. Code § 47605(k)(2)(E).)

GSP argues that the proceedings for its Petition, which is a *renewal* petition, “are quasi-judicial in nature, and are entitled to a standard that affords less deference to the District and County Boards’ decisions” than with regards to proceedings for an establishment petition. (GSP Appeal Letter, p.

² This is a reference to the Documentary Record submitted by GSP as part of its appeal packet to the CDE and SBE as Exhibit A. All page references to the DR align with the page numbering as marked on this DR document.

3.) Accordingly, GSP alleges that OUSD had to provide heightened due process to GSP in reviewing its Petition, and that it failed to do so in its proceeding and decision to deny the Petition. GSP's argument is plainly at odds with the law.

Contrary to GSP's assertions, Education Code section 47607.5 expressly dictates that the same abuse of discretion standard governing establishment petitions also applies to appeals of renewal petitions. Specifically, upon denial by a school district or county board of education, "the charter school may appeal the decision *pursuant to the procedures pertaining to a denial of a petition for establishment of a charter school*, as provided in subdivision (k) of Section 47605 for review in accordance with Section 47607." (Ed. Code, § 47607.5; emphasis added.) Further, the State Superintendent's Information Memorandum reinforces that "pursuant to *EC Section 47607.5*, the abuse of discretion review standard is mandated for an *appeal of a petition to renew* a charter school that has been denied by either a school district governing board or a county board of education." (State Superintendent's Information Memorandum, p. 2; emphasis added.)

Per the statute, the "abuse of discretion" standard—one of the "most deferential standard of review"—stands for the appeals of *both* initial and renewal petitions. (Ed. Code § 47605, subd. (k)(2)(E).) Accordingly, there is a single "abuse of discretion" standard by which the SBE should review all charter petitions that are on appeal to the SBE, without any distinction for an establishment or renewal petition.

GSP further alleges that non-renewal of GSP's charter "substantially affects GSP's vested fundamental rights and gives rise to heightened constitutional protections of due process." (GSP Appeal Letter, p. 4.) However, GSP has no right of any kind to the renewal of its charter, and it certainly has no vested fundamental right to such. In determining whether an administrative decision affects a fundamental right, courts "consider the nature of the right of the *individual*" and whether "it is a fundamental and basic one, which will suffer substantial interference by the action of the administrative agency." (*Bixby v. Pierno* (1971) 4 Cal.3d 130, 144-45; emphasis added.) However, GSP is not a human individual; rather, it is a school, operated by a California non-profit benefit *corporation*. As such, *Bixby's* references to "human terms" and "the individual in the life situation" highlights that a private legal entity like GSP is not the type of party to which fundamental right review applies at all. (See *Kawasaki Motors Corp. v. Super. Ct.* (2000) 85 Cal.App.4th 200, 203-04.)

That is, under the *Bixby* analysis, GSP is a private legal entity that cannot have "fundamental rights." This is consistent with: (1) the references in *Bixby* to "human terms" and "the individual in the life situation"; and (2) California law in other contexts that corporations do not have the rights of natural persons. (See, e.g., *Nativi v. Deutsche Bank National Trust Company* (2014) 223 Cal.App.4th 261, 314, fn. 16 ["Several appellate courts have concluded that this constitutional provision [regarding the right of "people" to privacy] does not apply to corporations"].) Clearly, GSP is not a human individual, and cannot have a fundamental right requiring elevated due process protections. Clearly, no fundamental right is at issue and the same "abuse of discretion" standard applies to all charter petitions that are on appeal to the SBE, without any distinction for an establishment or renewal petition.

In advancing its so-called alternative explanation for the denial, GSP cites Board Resolution 2526-0177 (“Resolution”), approved by OUSD’s Board on October 8, 2025, which directs the Superintendent to prepare budget balancing scenarios. Not only is this argument conclusory and speculative, it is also anachronistic. In its Appeal Letter, GSP connects the denial with the Resolution solely on chronology, stating “less than two weeks before voting on GSP’s renewal charter, the District Board adopted Resolution No. 2526-0177” including the aforementioned directive. Resolution 2526-0177 made no mention of the charter renewal process and had nothing to do with GSP. Ultimately, the OUSD Board reviewed the GSP Petition under all applicable review criteria, including its renewal criteria, and considered all evidentiary information, before ultimately denying the Petition to protect the interests of its students.

3. The OUSD Board Properly Denied the GSP Renewal Petition.

GSP erroneously alleges that the OUSD Board abused its discretion by improperly denying the GSP renewal as a middle performing charter school. GSP’s allegations are based on the following claims: (a) OUSD’s staff recommended approval of the GSP Petition; (b) GSP students will be demonstrably worse off if the charter school closes; and (c) OUSD inappropriately weighted measurements of academic performance. The bottom line is that the OUSD Board’s findings were supported by substantial evidence within the record. Further, Aspire’s allegations assert inaccurate representations of the record.

a. OUSD Staff’s Recommendation to Approve the Petition Does Not Preclude the Board from Denying the Petition.

Education Code section 47605, subdivision (b) requires the governing board of a school district to publish all staff recommendations, including the recommended findings, regarding a charter petition at least 15 days before the public hearing at which the governing board will either grant or deny the charter. As specified herein, it is only the governing board that holds the authority to make the decision to either grant or deny the charter, based on board-adopted findings. The role of the district staff is to provide “recommendations” only; staff have no authority to make any decision on a charter petition. There is no requirement in statute that the governing board must adopt its staff’s recommendations. GSP appears to erroneously conflate the staff’s analysis, upon which the Board based its decision and findings, with the staff’s recommendation to approve or deny the charter petition, which is a subjective recommendation and one that is not specifically required.

Here, the OUSD Staff Report did contain a staff recommendation to approve the GSP Petition. (DR, p. 3947). However, the OUSD Staff Report also clearly indicated that “staff has determined that there are multiple legally compliant options” and that “[t]he Board may use the data and conclusions in this Staff Report as its findings in support of either” a decision to approve or deny the renewal petition. (*Id.*) Moreover, the OUSD Staff Report provided detailed analysis throughout of various ongoing concerns related to GSP’s schoolwide and subgroup performance on state and local indicators of the Dashboard. (*Id.* at pp. 3912-3947.) In fact, in its “Summary of Findings” on the first page of the OUSD Staff Report, the District highlighted the following concerns:

- Decline in Math proficiency and DFS [Distance from Standard] over the term, with current proficiency at 6.9% with a Red Dashboard indicator
- Schoolwide ELA [English Language Arts] proficiency and DFS remains below the District average
- A-G rates declined significantly during the charter term, although have shown some recent improvement
- Most recent audit identified two material weaknesses

(*Id.*, at p. 3911.)

Even if the staff recommended approval, it simultaneously provided a legally compliant option to deny renewal, as well as ample facts to support factual findings by the OUSD Board to deny the Petition based on concerns detailed therein. Further, the Staff Report went so far as to provide the Board with a separate “Option B” to deny the renewal. (*Id.*, at p. 3947.) Under Option B, the OUSD Staff Report stated:

If the Board, after considering both the schoolwide and subgroup performance on the state and local indicators of the Dashboard, providing greater weight to performance on measurements of academic performance, and considering any verified data submitted by the Charter School, denies the charter renewal petition, the Board must make written findings, setting forth specific facts to support the findings, that determine the following:

1. The charter school has failed to meet or make sufficient progress toward meeting standards that provide a benefit to the pupils of the school; **and**
2. Closure of the charter school is in the best interest of students; **and**
3. The Board’s decision provided greater weight to performance on measurements of academic performance.

Accordingly, staff correctly recognized that ultimately a decision to grant or deny the Petition wholly rested with the OUSD Board. Further, staff expressly acknowledged that concerns with GSP were significant enough to warrant denial.

Most importantly, it is the OUSD Board that is ultimately responsible for determining whether to grant or deny the Petition, as determined by factual findings. The OUSD Board did not demonstrate any abuse of discretion in denying the GSP Petition, even though the Staff Report contained a recommendation to approve the GSP Petition.

b. GSP Students Will Not be Demonstrably Worse Off if the Charter School Closes.

GSP alleges that the comparison school data in the OUSD Staff Report in the “Analysis of Other Public School Options if Renewal is Denied” section that informs the finding that “Closure is in the Best Interest of Students” is presented in a “non-intuitive way” and “procedurally unfair.” (GSP Appeal Letter, p. 8.) It further claims that the schools selected for the relevant figures

(OUSD Staff Report Figures 49 and 50) are not meaningful comparisons, in part because Figure 49 incorporates elementary grade levels. (*Id.*, at pp. 7-11.) Essentially, GSP argues that the District cherry-picked the comparison schools. These claims are blatantly false and without merit.

Even if the presentation of data was “non-intuitive” to GSP, the methodology for the two grade band figures in question follows a clear rule that OUSD applies to all charter renewals: include every District and charter school that:

- a. Serves grades 6-8 and is in a Middle School Attendance Area (“MSAA”) in which at least five percent (5%) of GSP’s middle school students reside (Figure 49)
- b. Serves grades 9-12 and is in a High School Attendance Area (“HSAA”) in which at least five percent (5%) of GSP’s high school students reside (Figure 50)

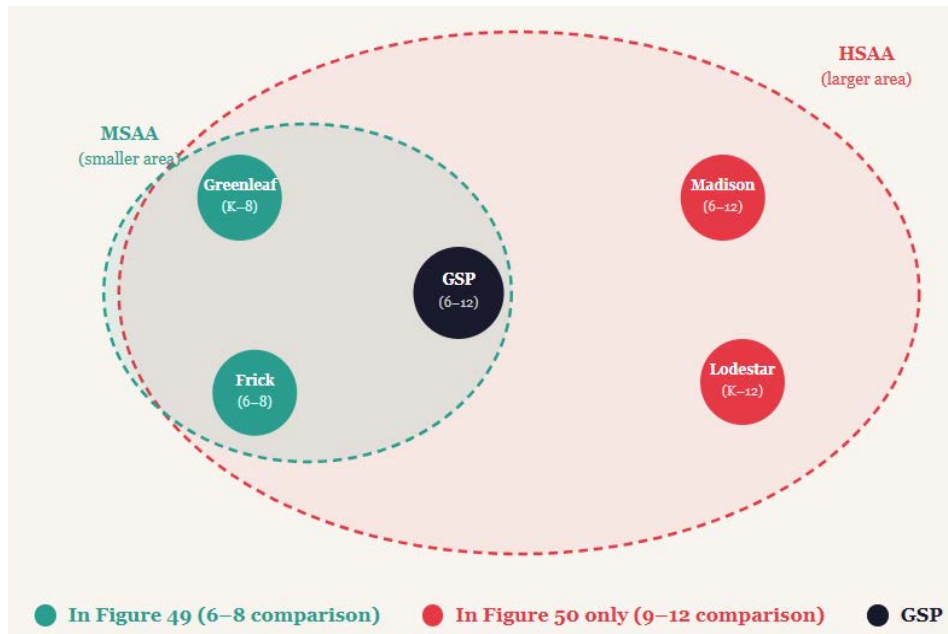
The District applies this same methodology to identify comparison schools for all charter renewal petitions it reviews. OUSD has three types of attendance areas: Elementary School Attendance Areas (ESAAs), Middle School Attendance Areas (MSAAs), and High School Attendance Areas (HSAAs), which are pre-existing geographic boundaries. Because GSP serves grades 6-12, the District looked at MSAAs and HSAAs in this analysis to understand what public school options were available to students within each grade band. The District identified every attendance area of those types in which at least five percent (5%) of the charter school’s students in the corresponding grade band reside. It then included any school within those attendance areas that serves students in the corresponding grade band, regardless of whether the school serves additional grade bands.

This approach uses geographic criteria to identify the schools that students would most likely attend if the charter school were to close, differentiated by grade band. For GSP, this methodology yielded three MSAAs: CCPA/Greenleaf/Life 6-8, Elmhurst United, and Frick; and two HSAAs: Castlemont/ CCPA/Madison and Fremont. Accordingly, Staff Report Figure 49 includes all schools serving grades 6-8 within those three MSAAs, and Staff Report Figure 50 includes all schools serving grades 9-12 within those two HSAAs. The following figure demonstrates the interplay between the relevant MSAAs and HSAAs.

Additionally, GSP indicates that it does not understand why the OUSD Staff Report includes schools that serve students in grades K-5 at all, since GSP does not serve these grades. The answer is that many Oakland schools serve multiple grade bands. For example, Greenleaf K-8 serves students in grades K-5, but it also serves students in grades 6-8 and is in a Middle School Attendance Area (“MSAA”) in which more than five percent (5%) of GSP middle school students reside. As a result, even though Greenleaf does serve students in grades K-5, because it also serves students in grades 6-8 and is located in the qualifying MSAA, it is a relevant comparison school, in accordance with the District’s consistent application of its standard methodology. In sum, serving students in grades K-5 does not preclude the school from representing a middle school option for GSP’s middle school students should GSP close.

GSP also indicates that it does not understand why some schools were included in the OUSD Staff Report Figure 50 (regarding high schools) and not the Figure 49 (regarding middle schools), claiming that Madison, Lodestar, and Lionel Wilson were selectively excluded from Figure 49

despite serving middle school grades. As demonstrated in the figure above, HSAs represent larger geographic areas than MSAs. As a result, some relevant HSAs may include a specific school serving grades 6-12, while that school may not be relevant in terms of an MSA. Therefore, that school would show up as a comparison high school, but not a comparison middle school. For example, as depicted in the figure below, Madison Park Academy, represented as “Madison”, serves students within grades 6-12 and is located within the “Castlemont/CCPA/Madison” HSA, represented by the pink shaded area. Because more than 5% of GSP high school students live in this HSA, the HSA, and thus Madison Park Academy, was included in the high school table, Figure 50. However, Madison Park Academy is *not* located within a MSA in which at least 5% of GSP middle school students reside, as represented by its location outside the green shaded area. Therefore, because the school’s MSA (“Madison Upper”) did not meet the 5% threshold, but the school’s HSA did, Madison Park Academy is included in Figure 50, but not Figure 49. The same is true for both Lodestar and Lionel Wilson, which are also each located in the “Madison Upper” MSA.



c. OUSD Appropriately Evaluated Measurements of Academic Performance.

The statutory provision that governs the standard for denying a middle performing charter school’s renewal does not prescribe any specific methodology to make the finding that closure is in the best interest of the students. (Educ. Code, § 47607.2.) The District looked specifically at the most important issue, academic achievement. To this end, the District’s comparison school analysis serves to assess whether closure is in the best interest of students by evaluating the schools those students would most likely attend. For that purpose, the District used the indicators that the state’s own accountability system classifies as academic. GSP’s EL Progress and college and career indicators were simply insufficient to outweigh its unacceptable academic performance as demonstrated by its math and ELA scores.

GSP is correct to state that in evaluating the renewal petition of a middle performing charter school, such as GSP, the District must “provide greater weight to performance on measurements of academic performance.” (Ed. Code, § 47607.2, subd. (b)(3).) However, GSP’s claim that the District must give four specific academic indicators—(1) California Assessment of Student Performance or Progress (“CAASPP”) for ELA, (2) CAASPP for mathematics, (3) English Language Proficiency Assessments for California (“EL Progress”), and (4) college and career readiness indicator—“equal and greater weight” to each other has no basis in law nor logic. First, GSP includes no legal reference to support this assertion that the District must give all four “equal, greater weight” than other indicators. Nor could it provide any, as no such legal requirement exists. In fact, in the section analyzing other public school options available to students if renewal is denied, the District focused its school-level comparisons on the only indicators that the CDE’s own Dashboard designates as “Academic Indicators”: ELA and Math.³

ELPI and CCI are reported as separate state indicators on the Dashboard, distinct from the CDE’s academic indicators for several reasons. First, EL Progress is a state-mandated assessment that measures the English language proficiency of students whose primary language is not English. Many charter schools in the state have few—or even no—students to whom this measure even applies. For GSP, EL Progress only reflects the performance of approximately one quarter (25.9%) of its students. Similarly, college and career indicators are differently relevant depending on the grade levels served by a given charter school. Since these indicators are not relevant for all charter schools or for all students within a school, there is no requirement—statutory or otherwise—that the District weigh these indicators equally to each other.

Further, GSP contends that the District’s comparison school analysis in Figures 49 and 50, which are found in the section titled “Analysis of Other Public School Options if Renewal is Denied,” should have included ELPI and CCI, alongside ELA, Math, and graduation rate. To be clear, the District *did* analyze GSP’s performance on ELPI and CCI – both are discussed extensively in the first section of the Staff Report, titled “Has the Charter School Presented a Sound Educational Program?” Contrary to GSP’s claims, as indicated in the OUSD Staff Report, the District did recognize that GSP’s college and career readiness indicator exceeded the state average, and that its EL Progress, which was below the state levels in 2023, exceeded the state in 2024. (DR, pp. 3-4.) In fact, these indicators are what saved GSP from being considered a low-performing charter school upon renewal, as had GSP’s EL Progress and college and career indicators matched its poor math and ELA performance, GSP would not have qualified as middle-performing.

4. The Resolution Adopted by the OUSD Board Was Not Defective.

GSP claims that OUSD’s resolution was defective because it was “hidden from the public” and modified “in real-time, without public input.” (GSP Appeal Letter, pp. 14-15.) Essentially, GSP alleges that as a result, members of the public had “no knowledge” of the potential denial nor sufficient “time to prepare to refute it.” However, it is telling that GSP stops short of asserting a violation of the Brown Act or legal authority of any kind, for that matter. In fact, it cannot cite any legal authority to bolster this baseless allegation because OUSD complied with the Brown Act.

³ Cal. Dep’ of Educ., California School Dashboard- Academic Indicators
<https://www.cde.ca.gov/ta/ac/cm/dashboardacad.asp>

In full compliance with the law, OUSD published the Staff Report online on October 6, 2025. As indicated herein, that Staff Report included two options for Board action regarding GSP's renewal petition: Option A to approve it, and Option B to deny it. The existence of these two options, along with the substantial factual findings therein to support either action and the OUSD Staff Report's express statement that both options were legally compliant, provided more than two weeks advance notice of the possibility that the Board would deny GSP's renewal. Moreover, GSP was clearly aware that the OUSD Staff Report included both options, as it sent the District a letter on October 21, 2025—more than two weeks after the Staff Report was posted and on the same day as the scheduled hearing—to urge the Board to select Option A instead of Option B. Clearly, GSP should have known—and did know from reviewing publicly available information—that the Board may deny its renewal.

Further, if writings are distributed during a meeting, they must be made available for public inspection if prepared by the local agency. (Gov. Code, § 54957.5.) The purpose of this provision is to further the intent of the Brown Act, codified at Education Code section 54950, et seq, to promote transparency in government by ensuring that public bodies' "actions be taken openly and that their deliberations be conducted openly." (Gov. Code, § 54950.) Here, GSP alleges that it was somehow improper for the Board to display the resolution on a large screen for the public to see during open session as the Board amended it. However, by projecting the resolution while they revised it, the Board ensured full transparency of its changes. What GSP describes is antithetical to a violation; it is the proper functioning of a Board. A Board may only gather and discuss matters during properly noticed meetings. Here, Board members independently had concerns about GSP's renewal due to its poor academic performance indicators, but could not discuss those concerns with each other until the meeting. Accordingly, during the meeting, it projected the resolution to facilitate a transparent discussion of modifications to it. By projecting it to the public, the Board simultaneously shared the document in real time. GSP asserts this constitutes covert action by a Board hiding matters from the public. To the contrary, during the public meeting at which the OUSD Board approved the resolution to deny GSP's Petition, it quite literally conducted the business of the public in front of the public in real time. There can be no greater transparency than that.

Ultimately, the resolution adopted by the OUSD Board appropriately adopts the OUSD Staff Report, which contains sufficient factual findings and recommendations to support the OUSD Board's denial of the GSP Petition.

5. OUSD Complied With Appeal Procedures By Providing a Video Recording of the Decision Meeting to GSP.

GSP alleges that OUSD abused its discretion by failing to provide a written transcript of the OUSD Board's decision meeting on the GSP Petition.

In submitting an appeal to the SBE, Education Code Section 47605(k)(2)(A) requires a charter petitioner to submit (i) the charter petition; (ii) the findings and *documentary record* from the district board and county board; (iii) a *written submission* detailing how the governing boards of the district and county abused their discretion. It further explains upon request by the petitioner,

the governing boards of the district and county shall prepare the *documentary record, including transcripts* of the public hearing where the boards denied the charter.

GSP claims that a dictionary definition of “transcript” and the fact that GSP must submit a “written submission” supports its position that the OUSD Board should have provided a written transcript of the Board meeting, and that a full video of the Board meeting did not suffice. However, as noted above, the “written submission” that must be submitted under section 47605(k)(2)(A) is specifically limited to GSP’s *own* written submission about how the OUSD Board and ACBOE abused their discretion in denying the Petition.

The transcripts are referenced as part of the “documentary record” that the OUSD must provide upon request by GSP, without any specification of its format. The repeated references to “documentary record” in section 47605(k)(2)(A)-(E) clearly demonstrates that an appeal to the SBE must be supported by records to document what specifically occurred at the district and county levels, as shown through the “documentary record.” A link to the video of the Board meeting at which the OUSD Board denied the GSP Petition clearly provides a full and complete record of all statements, remarks, questions, and comments that were made by the OUSD Board, OUSD staff, GSP staff, and members of the public regarding the GSP Petition.

Further, OUSD’s decision to provide a link to the video of the meeting, instead of a “written” transcript as GSP demanded, was supported by guidance provided by the California Department of Education (“CDE”). The CDE has recognized videos of board meetings produced in lieu of a written transcript. The District received written confirmation from the CDE, dated May 2, 2025, confirming that OUSD may provide a video recording of the OUSD Board meeting for these purposes. (May 2025 Correspondence attached hereto as Exhibit A.)

Moreover, GSP’s counsel knowingly accepted the transcript as OUSD’s documentary record in this matter. In response to GSP’s February 13, 2026, request for the District’s documentary record, on February 18, 2026, the District shared the video recording link, and explained “it is our understanding that it has been CDE’s accepted practice to allow submission of video for this purpose, but please let us know as soon as possible if CDE has provided you with guidance that this is no longer the case.” (February 2026 Correspondence attached hereto as Exhibit B.) GSP’s General Counsel, Dan Soleimani, responded the same day, acknowledging the link to the recording and asking “Can you please confirm that OUSD’s position is that the link to the video comprises the District’s entire documentary record?” (*Id.*) On February 20, 2026, attorney Ed Sklar responded on behalf of the District, indicating that he would confirm the contents of the District’s record by early next week, and on February 24, 2026, he confirmed that “the entirety of the documents and videos at the link that Kelly sent to you on February 18th (not just the video) comprise the District’s documentary record per section 47605(k)(2)(A). Let me know if you have any questions or want to discuss.” (*Id.*) At no point in this exchange did GSP indicate any concerns with the District’s provision of the video as its transcript in its documentary record, despite the District’s invitations to discuss the matter. (*Id.*) In light of this exchange, GSP’s claim that the District’s “abuse of discretion” in providing the video link somehow “materially harmed” GSP are disingenuous and unfounded.

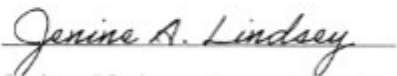
The District timely provided GSP with a copy of the documentary record, including a link to the video recording of the OUSD Board meeting, and went out of its way to confirm that the link complied with CDE's guidance and that GSP had no concerns regarding it. If GSP had concerns about the video link, it simply had to so indicate in its correspondence with the District. It chose not to do so. Clearly, GSP was not materially harmed nor unduly prejudiced by the District providing this video recording, as GSP was provided a complete and accurate record of the full Board meeting at which the OUSD Board denied the GSP Petition, as well as an opportunity to request a different format. Thus, there was no abuse of discretion by the OUSD Board in providing a video, instead of a written transcript, of the proceedings.

6. Conclusion

For the reasons specified above, GSP has failed to demonstrate that there was an abuse of discretion at both the district and county levels. Ultimately, although GSP clearly wished for a different outcome, the OUSD Staff Report presented substantial evidence and outlined a legally compliant option to deny the renewal based on the critically low performance of GSP students on crucial academic indicators. Accordingly, the District respectfully urges the SBE to provide the appropriate deference to the decision of the OUSD Board and to affirm the OUSD Board's decision to deny the GSP Petition.

Please contact our office if you have any questions and/or need any further information.

Sincerely,



Jenine Lindsey
General Counsel

EXHIBIT A

From: Susan Park <SPark@cde.ca.gov>
Sent: Friday, May 2, 2025 12:47 PM
To: Kelly Krag-Arnold
Cc: CHARTERS; Jenine Lindsey; Edward Sklar
Subject: Re: [EXTERNAL] District video for Oakland Charter High School's SBE appeal

Follow Up Flag: Follow up
Flag Status: Completed

CAUTION: External E-Mail:

Yes,

Susan Park
Charter Schools Division Director
California Department of Education

From: Kelly Krag-Arnold
Sent: Friday, May 2, 2025 12:41 PM
To: Susan Park
Cc: CHARTERS ; Jenine Lindsey ; Edward Sklar
Subject: Re: [EXTERNAL] District video for Oakland Charter High School's SBE appeal
Thank you for the clarification, Susan. May I share this with the charter school as well?

On Fri, May 2, 2025 at 12:25 PM Susan Park <SPark@cde.ca.gov> wrote:

Hi Kelly,

Please be advised that pursuant to California *Education Code* Section 47605(k)(2)(A), the governing board of the school district and the county board of education shall prepare the documentary record, including transcripts of the public hearing at which the governing board of the school district and county board of education denied the charter, if you made a request for them. However, it is permissible to submit a video recording of the public hearing as part of your appeal submission. A video with time markers of the public hearings conducted by the district and county are acceptable as transcripts.

Susan Park
Charter Schools Division Director
California Department of Education

From: Kelly Krag-Arnold <kelly.kragarnold@ousd.org>
Sent: Thursday, May 1, 2025 4:52 PM
To: Susan Park <SPark@cde.ca.gov>; CHARTERS <CHARTERS@cde.ca.gov>
Cc: Jenine Lindsey <jenine.lindsey@ousd.org>; Edward Sklar <ESklar@lozanosmith.com>
Subject: [EXTERNAL] District video for Oakland Charter High School's SBE appeal

CAUTION! This email originated from outside the California Department of Education. Be careful of links and attachments.

Hi Susan,

We're anticipating that AMPS will be submitting an appeal to SBE for the denial of Oakland Charter High School, as they requested from us the documentary record from their denial by OUSD. We provided AMPS with all requested documents, including the official video recording of the District's board meeting.

It's our understanding that it has been CDE's past practice that OUSD's video recordings satisfy the "written transcript" part of the appeal record. Would you be able to let us know as soon as possible, however, if that is not the case?

Best,
Kelly

--

Kelly Krag-Arnold | Director
Office of Charter Schools
Oakland Unified School District
1011 Union Street #947 | Oakland, CA 94607
<https://www.ousd.org/officeofcharterschools>

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Kelly Krag-Arnold | Director
Office of Charter Schools
Oakland Unified School District
1011 Union Street #947 | Oakland, CA 94607
<https://www.ousd.org/officeofcharterschools>

EXHIBIT B

From: Edward Sklar
Sent: Tuesday, February 24, 2026 5:04 PM
To: Daniel Soleimani
Cc: superintendent@ousd.org; jenine.lindsey@ousd.org; jennifer.brouhard@ousd.org; Kelly Krag-Arnold
Subject: RE: [EXTERNAL] Request for Documentary Record for Aspire GSP Charter Renewal Denial

Follow Up Flag: Follow up
Flag Status: Completed

Hi, Daniel:

To confirm, the entirety of the documents and videos at the link that Kelly sent to you on February 18th (not just the video) comprise the District's documentary record per section 47605(k)(2)(A). Let me know if you have any questions or want to discuss.

Ed

738-210



Edward Sklar | Attorney at Law
2001 North Main Street, Suite 500, Walnut Creek, CA 94596
T: 925.953.1620 F: 925.953.1625

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From: Edward Sklar
Sent: Friday, February 20, 2026 8:47 AM
To: 'Daniel Soleimani' <Daniel.Soleimani@aspirepublicschools.org>; Kelly Krag-Arnold <kelly.kragarnold@ousd.org>
Cc: superintendent@ousd.org; jenine.lindsey@ousd.org; jennifer.brouhard@ousd.org
Subject: RE: [EXTERNAL] Request for Documentary Record for Aspire GSP Charter Renewal Denial

Hi, Daniel. I will follow up with you by early next week to confirm the contents of the District's record.

Ed



Edward Sklar | Attorney at Law
2001 North Main Street, Suite 500, Walnut Creek, CA 94596
T: 925.953.1620 F: 925.953.1625

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From: Daniel Soleimani <Daniel.Soleimani@aspirepublicschools.org>
Sent: Wednesday, February 18, 2026 8:09 PM
To: Kelly Krag-Arnold <kelly.kragarnold@ousd.org>
Cc: superintendent@ousd.org; jenine.lindsey@ousd.org; Edward Sklar <ESklar@lozanosmith.com>; jennifer.brouhard@ousd.org
Subject: RE: [EXTERNAL] Request for Documentary Record for Aspire GSP Charter Renewal Denial

CAUTION: External E-Mail:

Hi Kelly,





Thank you for the reply and for sending a link to the recording of the OUSD Board's meeting. Can you please confirm that OUSD's position is that the link to the video comprises the District's entire documentary record?

Thank you –



Dan Soleimani

General Counsel
Aspire Public Schools
Pronouns: he/him/his

 [\(510\) 410-1102](tel:(510)410-1102)
 Daniel.Soleimani@aspirepublicschools.org
 www.aspirepublicschools.org
 1001 22nd Ave, Oakland, CA 94606



From: Kelly Krag-Arnold <kelly.kragarnold@ousd.org>
Sent: Wednesday, February 18, 2026 8:00 AM
To: Daniel Soleimani <Daniel.Soleimani@aspirepublicschools.org>
Cc: superintendent@ousd.org; jenine.lindsey@ousd.org; ESklar@lozanosmith.com; jennifer.brouhard@ousd.org
Subject: Re: [EXTERNAL] Request for Documentary Record for Aspire GSP Charter Renewal Denial

[EXTERNAL EMAIL]

Good morning Daniel,

You may find the publicly accessible link to the hearing video online at OUSD's Legistar website. I am also providing a courtesy link to the decision hearing video [here](#).

Written Opposition from Oakland Unified School District Page 19 of 20

Please note that it is our understanding that it has been CDE's accepted practice to allow submission of video for this purpose, but please let us know as soon as possible if CDE has provided you with guidance that this is no longer the case.

Best,
Kelly

On Fri, Feb 13, 2026 at 4:20 PM Daniel Soleimani <Daniel.Soleimani@aspirepublicschools.org> wrote:

February 13, 2026

Dear OUSD Staff and Board,

On behalf of Aspire Public Schools, and pursuant to Education Code Section 47605(k)(2)(A), I write to request that the District governing board prepare and send to me the OUSD documentary record, including transcripts of the public hearing at which the governing board of the school district denied the charter, for the Aspire Golden State College Preparatory Academy charter renewal petition consideration.

In accordance with law, the District has up to 10 business days to respond to this request. Today is February 13; therefore, the deadline is March 2.

Thank you –



Dan Soleimani

General Counsel

Aspire Public Schools

Pronouns: he/him/his



(510) 410-1102



Daniel.Soleimani@aspirepublicschools.org



www.aspirepublicschools.org



1001 22nd Ave, Oakland, CA 94606



--

Kelly Krag-Arnold | Director
Office of Charter Schools
Oakland Unified School District
1011 Union Street #947 | Oakland, CA 94607
<https://www.ousd.org/officeofcharterschools>

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